IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE D.S.R.VARMA
WRIT PETITION NO : 12645 of 1993

Between:
1 K.S.Kumara Swamy S/o.late K.Subrahmanyam
R/O.198, Konka STreet, Tirupathi, Chittoor Dist'
2 Jonna Sriram S/o.J.Seshaiah
R/o.Narasingaraopet, Gudur, Nellore Dist
3 Basireddy Chandrasekhar Reddy S/o.D.Subba Reddy
R/o.Nallareddypalle Vallur mandal,
Cuddapah Dist

.... PETITIONERS

AND

1 Sri Venkateswara University, Tirupathi Chittoor District, rep.by its Registrar
2 The Vice Chancellor, Sri Venkateswara University, Tirupathi, Chittoor District,
3 Dr.V.Narayana Reddy, Department of Physical Anthropology and Prehistoric Archaeology, Sri Venkateswara University Tirupathi, Chittoor Dist

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, more in the nature of writ of mandamus, declaring the proposed action of the respondents 1 and 2 in merging the Physical Anthropology and Prehistoric Archeology with the social Anthropology as per the approval of the Board of the Management of the 1st respondent university vide Resolution dt.7/8/1993 and also continuing and retaining the 3rd respondent Lecturer in Physical Anthropology and Pre historic Archaeology Department as illegal, arbitrary malafide, unconstitutional and contrary to the guide lines and rules issued by the 1st respondent university and consequently direct the respondents 1 and 2 not to finalise the merging of Physical Anthropology and Prehistoric Archeology with the social

Anthropology or in any way further proceed with the merging of Physical Anthropology and Prehistoric Archeology Department with the social Anthropology by holding that the petitioners are eligible entitled and qualified to be appointed as Lecturers in Physical Anthropology and Prehistoric Archeology and also holding that the 3rd respondent is not eligible for appointment as Lecturer in Physical Anthropology and Prehistoric Archeology.

Counsel for the Petitioner: MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondent No.1: Mr B.Adinarayana Rao

Counsel for the Respondent No.3: MR.K.RAGHUVEER REDDY

The Court made the following:

ORDER:

The petitioners seek declaration that the proposed action of the respondents 1 and 2 in merging the Physical Anthropology and Prehistoric Archaeology with the Social Anthropology as per the approval of the Board of the Management of the 1st respondent-University vide Resolution dated 07.08.1993 and also continuing and retaining the third respondent as Lecturer in Physical Anthropology and Pre-historic Archaeology Department as illegal and arbitrary.

The main allegation of the petitioners is that the respondents resorted to merge two departments in to one only to accommodate the third respondent as lecturer.

In the counter affidavits, it is stated that separation of departments or merger of departments is only to meet administrative functions of the University and that the petitioners have absolutely cannot have any interest in the said matters and hence, they have no locus standi to challenge the action of the University in the present matter.

It is further stated in the counter affidavit that the Social Anthropology and pre-historic Archeology and Physical Anthropology are basically under the main discipline Anthropology and they are interdependent. In many universities in the country these three subjects are taught in a single integrated course of study at postgraduate level as Anthropology.

It is further brought to the notice of the Court that the Special Assistance Committee from University Grants Commission visited Sri Venkateswara University and suggested for merger of Social Anthropology and Physical Anthropology and pre Historic Archeology into one department and all the faculty members of the three departments unanimously endorsed the said suggestion. Accordingly, the Planning and Monitoring Board of the University i.e. statutory body under Section 28 of the A.P. Universities Act, 1991 mooted and recommended the merger or amalgamation of departments in its meeting dated 05.04.1993. The Principals of Sri Venkateswara University College of Arts and Sciences and Sri Venkateswara University College of Engineering also recommended the said amalgamation. Accordingly, the Board of Management approved amalgamation in its meeting dated 7.08.1993 and it has also got approval of the Standing Committee of the Academic Senate. Thereupon, the merger or amalgamation came into force with effect from 01.10.1993.

From the above it is clear that the University as per the rights conferred under Section 28 of the A.P. Universities Act, 1991 and basing on the suggestions made by the University Grants Commission resorted to the amalgamation of departments.

As pointed out in the counter affidavits it is the exclusive prerogative of the university either to amalgamate or to bifurcate certain departments depending upon the various contingencies. It is stated in the counter affidavit that all the departments are basically interdependent and they fall under the same academic umbrella i.e. Anthropology and they would be taught at the postgraduate level as one subject. Hence, as per the suggestions made by the University Grants Commission the university after completing requisite formalities at

various levels resolved for the merger and also got approved by the Senate. When the merger or amalgamation is the prerogative of the University, the same cannot be challenged unless and until the same is arbitrary or there is any statutory violation or any apparent illegality, infringing the fundamental rights under the Constitution. Further it is brought to the notice of the Court that the petitioners are not students of the respondent's University. The petitioners are not even appointed for the post held by the respondents.

Having regard to the facts stated in the counter affidavit and for the aforementioned reasons, I do not find any merit in this Writ Petition.

Accordingly, this Writ Petition is dismissed. No costs.

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10-09-2004

kvrm

TO

1 Sri Venkateswara University, Tirupathi Chittoor District, rep.by its Registrar
2 The Vice Chancellor, Sri Venkateswara University, Tirupathi, Chittoor

District,
3. 2 CD Copies